



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश शासन द्वारा प्रकाशित

शिमला, बुधवार, 30 मार्च, 1960/9 चैत्र, 1882

HIMACHAL PRADESH ADMINISTRATION

LAW DEPARTMENT

NOTIFICATION

Simla-4, the 25th February, 1960/5th Phalguna, 1881

No. LR. 16-152/59.—The Government of India, Ministry of Home Affairs, Notification No. F. 4/6/60-Judl. II-U.TL. 10, dated the 19th January, 1960, extending the Punjab Security of the State Act, 1953 (Punjab Act XII of 1953) as amended by the Punjab Security of the State (Amendment) Act, 1954 (Punjab Act VI of 1954), to the Union Territory of Himachal Pradesh, is hereby published in the Himachal Pradesh Administration Gazette, for the information of the general public.

K. R. TANDON,
Under Secretary. (Judicial).

GOVERNMENT OF INDIA MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi-11, the 19th January, 1960/29th Pausa, 1881

G.S.R.—In exercise of the powers conferred by section 2 of the Union Territories (Laws) Act, 1950 (30 of 1950), the Central Government hereby extends to the Union Territory of Himachal Pradesh the Punjab Security of the State Act, 1953 (Punjab Act XII of 1953), as amended by the Punjab Security of the State (Amendment) Act 1954, (Punjab Act VI of 1954) and as at present in force in the State of Punjab (hereinafter in this notification referred to as

the said Act), subject to the following modifications, namely:—

Modifications

In the said Act—

- (1) for the words "State Government" wherever they occur, except in sub-section (2) of section 13, the words "Lieutenant Governor of Himachal Pradesh" shall be substituted;
- (2) for sub-section (2) of section 1, the following shall be substituted, namely :—
 "(2) It extends to the whole of the Union Territory of Himachal Pradesh."
- (3) in sub-section (1) of section 5, for the words "Official Gazette" the words "Himachal Pradesh Gazette" shall be substituted;
- (4) in sub-section (5) of section 7,—
 - (i) for the words "the whole State", the words "the whole of the Union Territory of Himachal Pradesh" shall be substituted;
 - (ii) in the proviso, for the words "from the State of any person ordinarily resident in the State", the words "from the Union Territory of Himachal Pradesh of any person or ordinarily resident in that territory" shall be substituted;
- (5) in section 10,—
 - (i) in sub-section (1), for the words "Official Gazette", the words "Himachal Pradesh Gazette" shall be substituted and for the word "State", the words "Union Territory of Himachal Pradesh" shall be substituted;
 - (ii) in sub-section (3), the words "through the Commissioner of the Division" shall be omitted;
- (6) in sub-section (2) of section 13, for the words "State Government or except with the sanction of the State Government, against any of its officers", the words "Central Government or the Lieutenant Governor of Himachal Pradesh or, except with the sanction of the said Lieutenant Governor, against any of the officers under his administrative control" shall be substituted;
- (7) section 14 shall be omitted.

The text of the said Act as modified is published as an Annexure to this notification.

ANNEXURE

The Punjab Security of the State Act, 1953 (Punjab Act XII of 1953), as amended by the Punjab Security of the State (Amendment) Act, 1954 (Punjab Act VI of 1954).

An Act to provide for special measures to prevent activities prejudicial to the security of the State or the maintenance of public order.

It is hereby enacted as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Punjab Security of the State Act, 1953.

(2) It extends to the whole of the Union Territory of Himachal Pradesh.

(3) It shall come into force at once.

2. Sabotage.—(1) No person shall do any act with intent to impede the working of, or to cause damage to:—

- (a) any building, vehicle, vessel, machinery, apparatus, or other property used, or intended to be used, for the purposes of Government or any local authority;
- (b) any railway, tramway, road, canal, bridge, culvert, causeway, aerodrome, telegraph, telegraph line or telegraph post ;
- (c) any rolling-stock of a railway or tramway or any aircraft;
- (d) any building or other property used in connection with any industry, business or establishment of the nature specified in the Schedule.

(2) The provisions of sub-section (1) shall apply in relation to any omission on the part of a person to do anything which he is under a duty, either to the Government or to any public authority or to any person, to do, as they apply to the doing of any act by a person.

(3) If any person approaches or is in the neighbourhood of any such building, place or property as is mentioned in sub-section (1) in circumstances which afford reasonable grounds for believing that he intends to contravene that sub-section, he shall be deemed to have attempted a contravention thereof.

(4) If any person contravenes or attempts to contravene any of the provisions of this section, he shall be punishable with imprisonment for a term which may extend to two years or with fine, or with both.

Explanation.—No person shall be deemed to have contravened or attempted to have contravened the provisions of this section if he commences, continues, acts in furtherance of, or omits, to do anything in pursuance of, a strike which is not illegal under any law for the time being in force.

3. Quasi-Military organisations.—(1) No persons shall take part in the organization, control, management or training of, or be a member of, any body of persons organised or trained or equipped for the purpose of enabling them to be employed in usurping the function of the police or for the unauthorised use or display of force.

(2) If any person contravenes the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

4. Power to prohibit drilling.—The District Magistrate, if satisfied that it is necessary so to do in the interests of the security of the State or for the maintenance of public order, may, by order in writing, prohibit in any area specified in the order, either absolutely or subject to exceptions contained in the order, the unauthorised practice of, or participation in, any exercise, movement, evolution or drill which is either of a military nature or involves the use, or preparation for the organised use, of weapons of offence.

5. Wearing or display of uniforms, flags etc.—(1) No person shall have in his possession, or wear, carry or display, any uniform, flag, banner or emblem which has been declared by the Lieutenant Governor of Himachal Pradesh by notification in the Himachal Pradesh Gazette to signify association with any organisation declared unlawful by the Government.

(2) Any such uniform, flag, banner, or emblem, wherever found shall be forfeited to Government.

(3) If any person publicly wears, carries or displays any such uniform, flag, banner or emblem, he shall be punishable with imprisonment which may extend to one year, or with fine, or with both.

6. *Power to prohibit meetings and processions.*—The District Magistrate, if satisfied that it is necessary so to do for the maintenance of public order may by order in writing, from time to time, prohibit within such area and for such period not exceeding two months as may be specified in the order,—

- (a) the holding of any procession or demonstration in any public place;
- (b) the holding of any public meeting;
- (c) the carrying in public of anything capable of use as a weapon of offence.

7. *Power to restrict movements of persons.*—(1) The Lieutenant Governor of Himachal Pradesh or a District Magistrate, if satisfied with respect to any particular person that, with a view to preventing him from acting in any manner prejudicial to the security of the State or the maintenance of public order, it is necessary so to do, may by order in writing, give one or more of the following directions, viz., that such person—

- (a) shall not enter, reside or remain in any area that may be specified in the order;
- (b) shall reside or remain in any area that may be specified in the order;
- (c) shall remove himself from, and shall not return to, any area that may be specified in the order;
- (d) shall notify his movements or report himself, in such manner and at such times and to such Magistrate, as may be specified in the order.

(2) An order made under sub-section (1) (hereinafter referred to as a restriction order) may require the person in respect of whom it is made to enter into a bond, with or without sureties, for the due performance of the restrictions or conditions specified in the order.

(3) No restriction order shall be operative for more than—

- (a) one month, if made by a District Magistrate, and
- (b) one year, if made by the Lieutenant Governor of Himachal Pradesh.

(4) The Lieutenant Governor of Himachal Pradesh may at any time cancel or modify any restriction order made by a District Magistrate.

(5) An order made under clause (a) or clause (c) of sub-section (1) may, if made by the Lieutenant Governor of Himachal Pradesh, specify as the area to which the order relates the whole of the Union territory of Himachal Pradesh or any part thereof only and, if made by the District Magistrate, specify as such area the whole or any part of the district only;

Provided that no such order made by the Lieutenant Governor of Himachal Pradesh shall direct the exclusion or removal from the Union Territory of Himachal Pradesh of any person ordinarily resident in that territory; and no such order made by the District Magistrate shall direct the exclusion or removal from the district of any person ordinarily resident in the district.

(6) As soon as may be after a restriction order is made, the authority making the order shall communicate to the person against whom the order is made, so far as such communication can be made without disclosing facts likely to endanger public safety or the security of the State, the grounds on which the order has been made and such other particulars as are in its opinion adequate to enable him to make a representation to the Lieutenant Governor of Himachal Pradesh against the order, and inform him of his right to make such representation and shall afford him the earliest opportunity of doing so.

(7) When the restriction order is made by a District Magistrate, he shall forthwith report to the Lieutenant Governor of Himachal Pradesh that the order has been made, the grounds on which it has been made and such other particulars as, in his opinion, have a bearing on the case.

(8) On receipt of a representation from the person against whom a restriction order has been made, the Lieutenant Governor of Himachal Pradesh shall, as soon as may be, place it before the Advisory Council constituted under sub-section (9) together with the grounds on which it has been made.

(9) The Lieutenant Governor of Himachal Pradesh shall constitute an Advisory Council consisting of a Chairman and two other members all of whom shall be persons who are or have been, or are qualified to be appointed as Judges of a High Court.

(10) The Advisory Council shall, after considering the material placed before it and, if necessary, after calling for such further information from the Lieutenant Governor of Himachal Pradesh or from the person concerned as it may deem necessary, submit its report to the Lieutenant Governor of Himachal Pradesh within thirty days from the date on which a representation is placed before it.

(11) After considering the report of the Advisory Council, the Lieutenant Governor of Himachal Pradesh may confirm, modify or cancel the restriction order.

(12) All particulars contained in any correspondence between the Lieutenant Governor of Himachal Pradesh and the Advisory Council and the report made by the latter shall be confidential and, notwithstanding anything contained in any law for the time being in force, no Court shall be entitled to require any public servant to produce before it any of the aforesaid documents.

7-A. Whoever contravenes, disobeys or neglects to comply with any order made or direction given under sections 4, 6 or 7 of this Act, shall, on conviction, be liable to be punished with imprisonment of either description which may extend to one year or with fine or with both.

8. *Possession or conveyance of prescribed documents.*—(1) Whoever, without lawful authority:—

(a) has in his possession, or

(b) carries for delivery to another person otherwise than through the post,

any document the importation of which has been prohibited under the Sea Customs Act, 1878, or in respect of which an order of forfeiture has been made under any law for the time being in force, shall be punishable with imprisonment which may extend to one year, or with fine, or with both.

(2) Whoever intentionally permits his name or address to be used in order to facilitate transmission, through the post or otherwise, to any person other than the person for whom it purports to be intended, of any document of the nature described in sub-section (1) shall be punishable with imprisonment which may extend to one year, or with fine, or with both.

9. *Dissemination of rumours, etc.*—Whoever:—

(a) makes any speech, or

(b) by words, whether spoken or written; or by signs or by visible or audible representations or otherwise publishes any statement, rumour or report,

shall, if such speech, statement, rumour or report undermines the security of the State, friendly relations with foreign States, public order, decency or morality, or amounts to contempt of Court, defamation or incitement to an offence prejudicial to the security of the State or the maintenance of public order, or tends to overthrow the State, be punishable with imprisonment which may extend to three years or with fine or with both.

10. *Imposition of collective fines in dangerously disturbed areas.*—(1) The Lieutenant Governor of Himachal Pradesh may, by Notification in the Himachal Pradesh Gazette, declare the whole or any part of the Union Territory of Himachal Pradesh to be a dangerously disturbed area.

(2) The Lieutenant Governor of Himachal Pradesh or the District Magistrate if satisfied that the inhabitants of any dangerously disturbed area—

- (a) are concerned in the commission of offences or other acts which are prejudicial to the security of the State or the maintenance of law and order,
- (b) have been harbouring persons concerned in the commission of such offences or acts,

may impose a collective fine on the inhabitants of that area.

(3) An order made by the District Magistrate under sub-section (2) shall be reported forthwith by him to the Lieutenant Governor of Himachal Pradesh and the Lieutenant Governor of Himachal Pradesh may thereupon amend, vary or rescind such order.

(4) The authority imposing the fine under sub-section (2) may exempt any person or class or section of such inhabitants from liability to pay any portion of such fine.

(5) The District Magistrate, after such enquiry as he may deem necessary, shall apportion the fine imposed under sub-section (2) among the inhabitants who are liable collectively to pay it, and such apportionment shall be made according to the District Magistrate's judgement of the respective means of such inhabitants.

(6) The portion of such fine payable by any person may be recovered from him as a fine or as arrears of land revenue.

11. *Powers of search.*—The power to issue search warrants conferred by section 98 of the Code of Criminal Procedure, 1898, shall be deemed to include the power to issue warrants for—

- (a) the search of any place in which any Magistrate mentioned in that section has reason to believe that any offence under this Act or any act prejudicial to the security of the State or the maintenance of public order has been, is being, or is about to be, committed, or that preparation for the commission of any such offence or act is being made;
- (b) the seizure in or on any place searched under clause (a) of anything which the officer executing the warrant has reason to believe is being used or is intended to be used for any purpose mentioned in that clause;

and the provisions of the said Code shall, so far as may be, apply to searches made under the authority of any warrant issued and to the disposal of any property seized under this section.

12. *Offences under the Act to be cognizable and non-bailable.*—Notwithstanding anything contained in the Code of Criminal Procedure, 1898, all

offences punishable under this Act shall be cognizable and shall, if the offence is punishable with imprisonment for a term which may extend to a period exceeding one year, be non-bailable.

13. *Protection of action taken under this Act.*—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under, or in pursuance of, this Act.

(2) No suit or other legal proceedings shall lie against the Central Government or the Lieutenant Governor of Himachal Pradesh or, except with the sanction of the said Lieutenant Governor, against any of the officers under his administrative control, for any damage caused or likely to be caused by anything in good faith done or intended to be done under, or in pursuance of, this Act.

14. Omitted.

THE SCHEDULE

[(See section 2 (1) (d)]

All undertakings relating to—

- (a) the maintenance and working of naval, military and air force works, railways, air transport including aerodromes, canals, inland water transport, road, transport, telegraph, telephone, broadcasting and postal services hospitals and services connected with the safeguarding of the public health, mines, fire-brigades, printing presses;
- (b) the manufacture, storage, or distribution of stores or equipment required by Government for its departments or services;
- (c) any system of public conservancy or sanitation;
- (d) the upkeep of roads and bridges;
- (e) any industry, business or establishment engaged in the production or supply to the public of light, heat, power, water or motive fuel; or
- (f) any industry, business or establishment engaged in the production or supply to the public of any commodity essential to the life of the community.

(F. 4/6/60-Judl. II) UTL. 10

K. R. PRABHU,

Deputy Secretary to the Government of India.

LAW DEPARTMENT

NOTIFICATION

• Simla-4, the 2nd March, 1960/11th Phalguna, 1881

No. LR. 16-177/58.—The Government of India, Ministry of Law (Department of Legal Affairs) Notification No. F. 7-(4)/59-Elections, dated the 23rd December, 1959, making amendments in the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956, is hereby published in the Himachal Pradesh Administration Gazette, for the information of the general public.

K. R. TANDON,

Under Secretary (Judicial).

NOTIFICATION

S.O.—In exercise of the powers conferred by section 169 of the Representation of the People Act, 1951 (43 of 1951), the Central Government after consulting the Election Commission hereby makes the following further amendments

in the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956, namely:—

- (a) in rule 46, in sub-rule (1), for the words “registered post” the words “post under certificate of posting” shall be substituted;
- (b) in rule 47, in clause (b) of sub-rule (2), for the words, brackets, letter and figures “sub-clause (ii) of clause (a) of section 60” the word, figures and letter “rule 42A” shall be substituted;
- (c) in Schedule I—

(1) for Form 18C, the following Form shall be substituted, namely:—

FROM 18C

COVER

(To be used at elections in Parliamentary and Assembly Constituencies)

[(See rule 46 (2))]

COVER B	“Every officer under whose care or through whom a postal ballot paper is sent shall ensure that the same is delivered to the addressee without delay—Rule 46 (3) R.P. (C.E.E. and E.P.) Rules 1956”	SERVICE UN PAID
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Election—IMMEDIATE.

Postal Ballot Paper

For* Constituency
(NOT TO BE OPENED BEFORE COUNTING)	
To	The Returning Officer.
Signature**
of sender

*Returning Officer to insert here the name of the appropriate Parliamentary/Assembly constituency.

**Returning Officer to mention here his full postal address.

FORM 18C

COVER

(To be used at elections other than elections in Parliamentary or Assembly Constituencies)

[(See rules 83 (2) and 108 (3))]

B	NOT TO BE OPENED BEFORE COUNTING
	ELECTION—IMMEDIATE *
POSTAL BALLOT PAPER	
The Returning Officer,	
**

*Insert here Council of States or name of the Legislative Council or the appropriate Electoral College.

**Full postal address of the Returning Officer to be inserted here.

(2) in Form 18D,—

(i) in Part I—Directions to Electors in paragraph (d), the words “and near his symbol” shall be omitted;

(ii) in Part II— Instructions for Electors, for paragraph (d), the following paragraph shall be substituted, namely:—

“(d) After your declaration has been signed and your signature has been attested in accordance with item (b) or item (c), place the declaration in Form 18A as also the smaller cover marked ‘A’ containing the ballot paper, in the larger cover marked ‘B’. After closing the larger cover, send it to the returning officer by post or by messenger. You have to give your full signature in the space provided on the cover marked ‘B’ but no postage stamp need be affixed by you.”

[No. F. 7 (4)/59-elections]

K. Y. BHANDARKAR,
Secretary to the Government of India.
